

States Pharmacopeia; and 402(1)(2)—the label of the article failed to bear the common or usual name of each ingredient.

DISPOSITION: 12-19-62. Consent—claimed by Colony Products Co., Vernon, Calif., and relabeled.

29400. Par-Pic snacks. (F.D.C. No. 49572. S. No. 64-196 X.)

QUANTITY: 40 cases, each containing 12 pkgs., at Hopkins, Minn.

SHIPPED: 11-7-63, from Manchester, Mo., by Par-Pic Food Products Co., Inc.

LABEL IN PART: (Pkg.) "Delicious High Protein Par-Pic The Aristocrat Of Snacks Nutritious 5 Oz. Net Wt. Ingredients Choice Nuts, Cereals, Pretzels, Vegetable Oil, Seasonings \* \* \* Par-Pic Food Products Co. Manchester, Mo."

RESULTS OF INVESTIGATION: The article was found to be approximately 5.8 percent short weight.

LIBELED: 1-2-64, Dist. Minn.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of quantity of contents; 403(i)(2)—the label of the article failed to bear the common or usual name of each ingredient since "choice nuts," "cereals" and "seasonings" were not the common or usual names for ingredients.

DISPOSITION: 2-14-64. Default—ordered delivered to a charitable institution.

## INDEX TO NOTICES OF JUDGMENT F.N.J. NOS. 29301 TO 29400

### PRODUCTS

	N.J. No.		N.J. No.
Alfalfa hay-----	29343	Cider, apple. See Apple juice.	
Apple juice-----	29355	Cinnamon, stick-----	29390
Bakery pan coating-----	29399	Cod liver oil-----	29393
Barley-----	29332	Color additive violation-----	29393
Beans, lima, dried-----	29363, 29365	Cooking oils-----	<sup>o</sup> 29301, 29389
pinto, dried-----	29364, 29365, 29390	Cornmeal-----	<sup>o</sup> 29301, 29302, 29312
Black-eyed peas, canned-----	29369	mix-----	29302
Block salt-----	29344	Cottonseed oil, crude-----	29387, 29388
Brazil nuts, shelled-----	29380	Cowpeas, dried-----	29366
Breeding-----	29334-29336	Dairy products-----	29339-29342
Broccoli, frozen-----	29360, 29361	Dietary food wafers-----	29394
Butter-----	29339	Fats. See Oils and fats.	
peanut-----	29385	Feeds and grains-----	29343, 29344
whipped-----	29340	Field peas, canned-----	29368
Buttermilk, dried-----	29342	Fish and shellfish-----	29345-29348
Cake flour-----	29312	Flour-----	29303-29314
Cauliflower, fresh-----	29362	cake-----	29312
Cereals and cereal products		potato-----	29313
<sup>o 4</sup> 29301-29338		rice-----	29311
Cheese, romano-----	29341	self-rising-----	29314
Chili relish, green, hot-----	29372	soy-----	29311
Chop suey vegetables, mushroom,		Food additive violations-----	29360,
canned-----	29370		29361, 29397, 29398

<sup>o</sup>(29301, 29356, 29359) Seizure contested.

<sup>4</sup>(29322) Motion for preliminary injunction denied. Contains decision and order of the court.

# U.S. Department of Health, Education, and Welfare

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

29401-29500

### FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were alleged to be adulterated or misbranded within the meaning of the Act, when introduced into and while in interstate commerce, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered after default or consent; (2) criminal proceedings which were terminated upon pleas of guilty and nolo contendere or, in one case, upon a verdict of not guilty to one count and of guilty to another count; and which proceedings involved, in one case, a contempt action for violation of a permanent injunction, and, in another case, a mistrial and a judgment of acquittal on one count; and (3) an injunction proceeding terminated upon the entry of a permanent injunction by consent. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal and injunction proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., September 25, 1964.

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**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN ALLEGED VIOLATIONS REPORTED IN F.N.J. NOS. 29401-29500**

*Adulteration*, Section 402(a) (2) (B), the article was a raw agricultural commodity and it bore or contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a) (2) (C), the article contained a food additive which was unsafe within the meaning of Section 409; Section 402(a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance, or it was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth or might have been rendered injurious to health; Section 402(b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b) (2), a substance had been substituted in whole or in part for the article; Section 408(a), a poisonous or deleterious pesticide chemical, or a pesticide chemical not generally recognized, among qualified experts, as safe for use, added to a raw agricultural commodity, was deemed to be unsafe because no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare, or because the quantity of the pesticide chemical in or on the raw agricultural commodity was not within the limits of a tolerance prescribed by the Secretary of Health, Education, and Welfare; and Section 409, a food additive was deemed to be unsafe because the food additive and its use or intended use failed to conform to the terms of an effective exemption or because there was not in effect, or the food additive and its use or intended use failed to be in conformity with, a regulation prescribing conditions for safe use.

*Misbranding*, Section 403(a), the labeling of the article was false and misleading; Section 403(e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; Section 403(f), a word, statement, or other information required by or under authority of the Act to appear on the label or labeling was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; Section 403(g) (2), the article purported to be or was represented as a food for which a definition and standard of identity had been prescribed by regulations and its label failed to bear, as required by regulations, the common name of certain optional ingredients present in such food; Section 403(i), the article was not subject to the provisions of Section 403(g) and (1) its label failed to bear the common or usual name of the article, and (2) the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; and Section 403(k), the article contained a chemical preservative and failed to bear labeling stating that fact.

## **CEREALS AND CEREAL PRODUCTS**

### **BAKERY PRODUCTS**

29401. French hard rolls, angelfood cake, and pound cake. (F.D.C. No. 45987. S. Nos. 46-272 R, 58-263/4 R.)

INDICTMENT RETURNED: 12-4-61, M. Dist. Ga., against Benson's, Inc., Bogart, Ga.